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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-194

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

Section 29.09 (9r), Stats., provides that if the department collects handling fees, it must establish the amount of the fee by rule. Section NR 19.02 does not set the amount of the fee. Rather, it requires the department to set the fee, based on certain costs, and places a cap of \$3 on the amount of the fee. How will the department or secretary actually set the fee under s. NR 19.02 (4) (b) and (c)? Will this be done by a rule that is updated annually?

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. NR 19.02 (1), it appears that s. 29.09 (9r), Stats., permits handling fees to be charged for processing applications. Therefore, it would be clearer to insert “applications for” or “requests for” before “approvals ordered by mail....”

Also in that subsection, “phone” should be “telephone.”

b. In s. NR 19.02 (2), the phrase “telephone, mail or electronic means” should be “mail, telephone or electronic means” to be consistent with the rest of the section.

c. In s. NR 19.02 (3) (a), “As used in this section,” should be deleted because it is repetitive. See s. NR 19.02 (3) (intro.).

d. In s. NR 19.02 (4) (a), “for each order” should be deleted if the intent is to charge the handling fee for each approval application or request. The phrase implies that the fee is a per

order fee. In s. NR 19.02 (4) (b), “\$3.00 per application” is somewhat vague. If the intent is to charge a handling fee for each application for each approval, perhaps a phrase such as “\$3 for each approval application” would be clearer. If the intent is to charge a handling fee for each order, the above phrase should be replaced with “\$3 per order.”

e. Section NR 19.02 (4) (d) appears to apply only to orders submitted by mail. For orders made over the telephone or by electronic means, presumably the required fees would be charged to the applicant’s credit card. Therefore, “, telephone, or electronic means” should be deleted. If there is a concern that an applicant’s credit card charge will be denied, the manner in which that will be handled should be specifically addressed.

f. If an application for an approval that is subject to a handling fee is denied, must the applicant pay the handling fee? This should be addressed.